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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,136	10/09/2003	Dae-Sung Han	1594.1289	6464

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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/681,136

Applicant(s)

HAN ET AL.

Examiner

CARL D. PRICE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 5-20 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner disagrees with applicant's position that **US005163359 (McLane, Sr.)** does not show a heat blocking member in the manner now set forth in applicants currently amended claims. **US005163359 (McLane, Sr.)** clearly shows a heat blocking member (136) which is vertically inwardly directed with respect to outer edge portions of grill (56) and therefore would block a part of the thermal energy transmitted to those edge portion of the grill unit (see figure 2). In this regard, applicant's attention is directed to the prior art references already of record, as well as newly cited JP2000-245624, which separately show and teach a heat blocking member vertically inwardly directed with respect to outer edge portions of grill for blocking thermal energy transmitted to edge portion of the grill, and collectively illustrate the level of ordinary skill in the art. In particular, applicant's attention is directed to:

- 1) US005918536A, see elements (71) in figure 3;
- 2) JP2001-169928, see elements (16) inwardly spaced below edges of grill (4), in figure 3;
- 3) JP06-181849, see elements (28) in figure 6; and
- 4) JP2000-245624, see the elements inwardly spaced below edges of grill, in figure 6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

35 U.S.C. 102(b): Claims 1-3, 5, 8

Claims 1- 3, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

US005163359 (McLane, Sr.)(of record).

US 5163359 (McLane, Sr.) shows and discloses a cooking apparatus, comprising:

- a cabinet (12) opened at a top surface thereof to provide an opening;
- a grill unit (56) seated in the opening of the cabinet so as to support food over the opening;
- a heating unit (124) installed in the cabinet at a position of set from an effective grill part of the grill unit ; and
- a heat blocking member (136) to block a part of the thermal energy transmitted to an edge of the grill unit, allowing the thermal energy to be uniformly transmitted to food laid on the grill unit;

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- a reflecting member (130) provided at a rear portion of the heating unit; and the heat blocking member integrally extends from the reflecting member to reflect the thermal energy transmitted from the heating unit;
- a downwardly inclined cover member (136) extending from an edge of the opening to cover an upper surface of the heat blocking member;
- a reflecting plate (100) provided at a predetermined position below the grill. Note that inclined surfaces (100) will inherently reflect at least a portion of the thermal energy of the heating unit to the grill unit, so that the thermal energy reflected by the heat blocking member is guided to a central portion of the grill unit by the reflecting plate;
- the cover member is spaced apart from the heat blocking member by a predetermined gap to provide an air layer (70) between the cover member and the heat blocking member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

35 U.S.C. 103(a): Claims

Claims 1, 7, 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5163359 (McLane, Sr.) in view of JP 2001-169928(of record) and JP 2002-355178(of record)..

US 5163359 (McLane, Sr.) shows and discloses the invention substantially as set forth in the claims with possible exception to:

- a tray having a hump, oil grooves and defining reflecting plates, and set at a predetermined position below the opening to collect a material dropping from the food laid on the grill unit, and an end of the cover member positioned in a space above the tray so as to guide the material dropping from the food to the tray;
- each of the heating units includes a ceramic member with a heating element to generate the thermal energy;
- the heating units are inclinedly arranged to tilt toward the opening to transmit the thermal energy to the grill unit;
- a plurality of water tanks and a plurality of hollow grill pipes arranged between the water tanks to connect the water tanks to each other.

JP 2001-169928 teaches from the same cooking grill field of endeavor as US 5163359 (McLane, Sr.), providing a tray having a hump, oil grooves and reflective plates, to reflect the thermal energy from the heating units to the grill unit, and set at a predetermined position below the opening to collect a material dropping from the food laid on the grill unit, and an end of an end cover member (16) positioned in a space above the tray so as to guide the material dropping from the food to the tray.

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JP 2002-355178 teaches from the same cooking grill field of endeavor as **US 5163359 (McLane, Sr.)**, providing a grill with a plurality of water tanks (2, 3) respectively seated on both sides of the cabinet to contain water; and a plurality of hollow grill pipes (8, 9) arranged between the water tanks to connect the water tanks to each other for cooling the grill to prevent sticking.

In regard to claim 7, for the purpose of collecting droppings from the grill, it would have been obvious to a person having ordinary skill in the art to modify **US 5163359 (McLane, Sr.)** to include tray with a hump, oil grooves and reflective surfaces, in view of the teaching of **JP 2001-169928**.

In regard to claims 10, 11 and 18-20 Official Notice is taken that it is well known to:

- use ceramic burners, inclined toward a grill, as a suitable source of heat for cooking food;
- provide water is contained in a drippings tray to prevent an excessive rise in temperature;
- provide cooking grills with a timer switch to control an operation time of the heating units; and
- provide cooking grills with a power switch to control a heating temperature of the heating units.

Thus, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the heat source of **US 5163359 (McLane, Sr.)** to be an inclined ceramic burner, water in the tray, a timer and power switch.

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In regard to claims 9- 18, for cooling the grill to prevent sticking, it would have been obvious to a person having ordinary skill in the art to modify the grilling surface to **US 5163359 (McLane, Sr.)** to include a plurality of water tanks seated on both sides of the cabinet to contain water; and a plurality of hollow grill pipes arranged between the water tanks to connect the water tanks to each other, in view of the teaching of **JP 2002-355178**.

Conclusion

THIS ACTION IS MADE FINAL

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CARL D. PRICE
Primary Examiner
Art Unit 3749

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